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January 13, 2023

VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Mark Nordlicht, et al.*, No. 1:16-cr-00640-BMC (E.D.N.Y.)

Dear Judge Cogan:

We represent defendant Mark Nordlicht. We submit this scheduling request on behalf of Mr. Nordlicht and his co-defendant David Levy.

On September 28, 2022, the Court scheduled a joint hearing on loss followed by individual sentencing hearings for Mr. Levy and Mr. Nordlicht. The Court later adjourned the joint loss hearing to February 14, 2023. However, the individual sentencing hearings remain on the calendar. Because, at a minimum, the Court's determination of the central loss issue is material to sentencing, we would respectfully request that the Court adjourn Mr. Levy's sentencing (currently set for January 27, 2023) and Mr. Nordlicht's sentencing (currently set for February 17, 2023).

In addition, Mr. Nordlicht and Mr. Levy have filed a renewed motion for a new trial. Dkt. 971. Because the Court and the government have already reserved January 27, 2023, we would respectfully request that the Court hear oral argument on the renewed motion for a new trial on that date or such other time that is convenient for the Court and the parties.

The government advised counsel that it agrees with the requested adjournment of the sentencing dates but does not believe oral argument is necessary on the Rule 33 motion.

Respectfully submitted,

/s/ Andrew J. Levander

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cc: All Counsel (via ECF)

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